

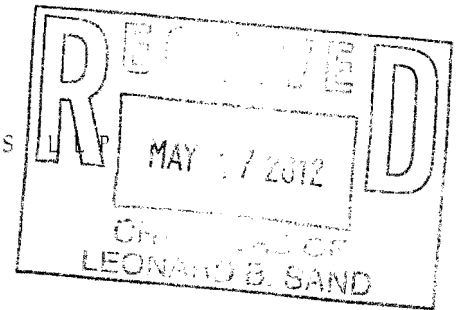
MEMO ENDORSED

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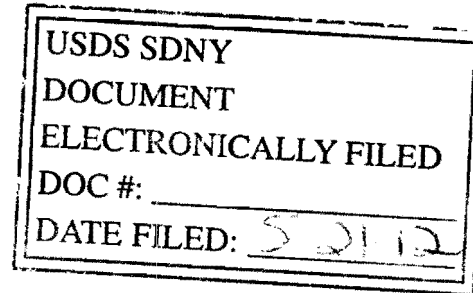


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May 17, 2012

**BY HAND**

Hon. Leonard B. Sand  
United States District Judge  
Southern District of New York  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl St., Courtroom 15A  
New York, NY 10007-1312



Re: New York City District Council of Carpenters Pension Fund et al. v. Forde et al., No. 11-cv-5474

Dear Judge Sand:

We represent the Plaintiffs in the above-referenced case. *Pro se* Defendant Michael Brennan recently filed two motions — a motion to dismiss Plaintiffs' First Amended Complaint ("FAC") and a motion to strike certain portions of the FAC.

In his papers, Defendant Brennan set the return date for the motions as June 20, 2012 (a Wednesday). Per the Court's Individual Rules, Plaintiffs' opposition papers would be due on June 18, 2012 and Defendant Brennan's reply papers would be due on June 20, 2012. As Defendant Brennan is incarcerated and will be receiving Plaintiffs' opposition papers by mail, this default schedule will likely provide insufficient time for Defendant Brennan to reply. In addition, Defendant Brennan's incarceration makes it difficult to coordinate a briefing schedule with him. As such, we respectfully submit a proposed briefing schedule for the Court's consideration, as follows:

(1) Plaintiffs' opposition papers to both motions will be filed on or before June 18, 2012;

(2) As part of Plaintiffs' opposition papers, Plaintiffs will file one brief responding to both motions, of no more than 40 pages;

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(3) Defendant Brennan's reply papers will be filed on or before July 2, 2012; and

(4) Because Defendant Brennan is *pro se* (and has requested that his motions be decided on the papers), and in accordance with the Court's Individual Rules, the Court will forego oral argument with respect to these two motions.

We appreciate the Court's attention to this matter.

Respectfully submitted,



Harlan J. Silverstein

cc: Michael Brennan  
Raymond G. McGuire, Esq.  
Scott Himes, Esq.

So ordered  
JBS  
✓ 501  
3/21/12